

Message

From: Hisel-Mccoy, Sara [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0641D449FE4E4444971B9F695B74F0B8-SARA HISEL-MCCOY]
Sent: 5/13/2020 12:52:53 PM
To: Buffo, Corey [Buffo.Corey@epa.gov]
Subject: RE: For Corey RE: Question about state adoption of wetlands criteria

Thanks for this Corey. But there are no attachments. Could you resend with those? I started drafting a note to Betsy but I'd like to understand if we actually now have a state by state reckoning or what else was attached.

For the package checkin I will discuss but I would like to understand a bit better.

Thanks so much,
Sara

Sara Hisel McCoy
Director, Standards and Health Protection Division
OW/Office of Science and Technology
(202) 566-1649

From: Buffo, Corey <Buffo.Corey@epa.gov>
Sent: Tuesday, May 12, 2020 8:41 PM
To: Hisel-Mccoy, Sara <Hisel-McCoy.Sara@epa.gov>
Subject: Fwd: For Corey RE: Question about state adoption of wetlands criteria

Below is your answer for Betsy on her question about wetlands criteria. If you wish you can just turn it over to me and I can go over this and other topics tomorrow. Bottom line is not much there at all, 2 states and not what she expressed, but it was interesting to know that and a shout out to the liaisons for rounding things out for her.

Sent from my iPhone

Begin forwarded message:

From: "Buffo, Corey" <Buffo.Corey@epa.gov>
Date: May 12, 2020 at 6:20:11 PM EDT
To: "Fleisig, Erica" <Fleisig.Erica@epa.gov>
Cc: "Brundage, Jennifer" <Brundage.Jennifer@epa.gov>, "Gardner, Thomas" <Gardner.Thomas@epa.gov>, "Ray, James" <ray.james@epa.gov>, "Gravuer, Kelly" <gravuer.kelly@epa.gov>, "Soo-Hoo, Mimi" <Soo-Hoo.Mimi@epa.gov>, "Stapleton, Gregory" <Stapleton.Gregory@epa.gov>, "Sengco, Mario" <Sengco.Mario@epa.gov>, "McLaughlin, Julianne" <McLaughlin.Julianne@epa.gov>, "Anderson, Danielle" <Anderson.Danielle@epa.gov>
Subject: Re: For Corey RE: Question about state adoption of wetlands criteria

Thanks much to all, this is very helpful.

Sent from my iPhone

On May 12, 2020, at 5:59 PM, Fleisig, Erica <Fleisig.Erica@epa.gov> wrote:

Corey,

Thanks to some quick work by the liaisons, we have responses to this wetlands request from all regions except for R3 and Terry is still checking on Nevada. Denise has been busy on a WV acid mine drainage variance comment letter, but she will try to get to this request tomorrow unless we can spare her. The full accounting is in the Word document attached, and I pasted the key takeaways below. Bottom line is that either Betsy Behl is misunderstanding what she has heard from states, or we're misunderstanding her, because we weren't able to find evidence of much of anything going on wrt wetlands criteria in recent years, and nothing new related to nutrients or biocriteria. Please let us know if this hits the mark, and if there is anything else you need for Sara. If the R3 and NV info comes in, I'll send around an updated Word doc.

-Erica

What we recommend for wetlands WQS

- Text from our WQS Handbook updated criteria chapter 3:

In 2008, the EPA published a wetland-specific Nutrient Criteria Technical Guidance Manual to assist states and authorized tribes in developing numeric nutrient criteria for wetlands. Additionally, the EPA developed narrative templates for wetlands WQS including a 2016 frequently asked questions document to simplify development of protective WQS for wetlands. States and authorized tribes may choose to develop different types of criteria for wetlands protection, including site-specific numeric or narrative criteria, as long as they are scientifically defensible and protective of the designated uses, and otherwise consistent with 40 CFR 131.11 and CWA section 303(c)(2)(B).

- Wetland WQS website with all of these tools:
<https://www.epa.gov/wetlands/wetland-water-quality-standards>

Accounting of State Wetland WQS

Summary: After searching WATA, polling the liaisons, and working with Jenn Brundage who worked on finalizing the narrative templates for wetlands mentioned above, the only states who have adopted new or revised wetlands WQS in the last 10 years appear to be Ohio and North Dakota (see more details below). Some other states have generic narrative criteria for wetlands, including statements about biological health, and many states also generally apply their general narratives and/or numeric toxics criteria to all surface waters including wetlands.

From: Fleisig, Erica

Sent: Thursday, May 7, 2020 10:35 AM

To: Brundage, Jennifer <brundage.jennifer@epa.gov>; Gardner, Thomas <Gardner.Thomas@epa.gov>; Ray, James <ray.james@epa.gov>; Gravuer, Kelly <gravuer.kelly@epa.gov>; Soo-Hoo, Mimi <Soo-Hoo.Mimi@epa.gov>; Stapleton, Gregory <stapleton.gregory@epa.gov>; Sengco, Mario <Sengco.Mario@epa.gov>; McLaughlin, Julianne <McLaughlin.Julianne@epa.gov>

Cc: Buffo, Corey <Buffo.Corey@epa.gov>; Anderson, Danielle <anderson.danielle@epa.gov>

Subject: Question about state adoption of wetlands criteria

Hi liaisons,

Do you know off the top of your heads or can you please check in with your regions about whether any states have adopted narrative wetlands criteria (for nutrients or otherwise), and whether there is anything in those narratives or wetland sections about biocriteria?

Betsy B seems to have heard that there are 6 states with narrative wetlands criteria and 10 more states looking to adopt. She mentioned nutrients specifically, but Corey would like us to check for narrative wetlands criteria more broadly and any connection to biocriteria which would be broader than nutrients.

Greg, I'm not sure if this is something that the criteria search tool could capture since I thought that was primarily numerics, but if you have an easy way of searching for these wetlands narratives please let me know.

Jenn, Sara also wants to understand what we released as guidance re: wetlands to states, so I can work with you on the side on that.

I believe we need to have this ready for Sara by next Wednesday 5/13, COB.

Thank you!
-Erica

Erica Fleisig
Team Leader, Regional Water Quality Standards Branch
Office of Science and Technology, U.S. EPA
(202) 566-1057

<Wetlands WQS Request from SHM and BB_5 7 2020.docx>
<NC_Wetland_Standards_2019_w_biological_integrity_definition.pdf>
<TN_aquatic_life_narrative_biological_integrity_and_numeric_pH_criteria_wetlands_mentions.pdf>
<FL_62-611.pdf>